IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5721 OF 2005

Uttam A. Mane. ...Petitioner.
Vs.
Lokmanya Vidya Mandir Trust & Ors. ...Respondents.
....
Mr. Neel G. Helekar for the Petitioner.
Mr. Rahul L. Nerlekar for Respondent Nos.1 and 2.
Mr. P.P. Kakade, AGP for Respondent Nos.3 and 4.
.....

CORAM : F.I REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

September 19, 2005.

P.C.

Rule. Heard forthwith.

2. The services of the Petitioner came to be terminated. Aggrieved, the Petitioner preferred an appeal before the School Tribunal which appeal was allowed and the Petitioner was directed to be reinstated in service. Respondent No.3 was a party to the said proceedings.

3. Subsequent to the order, the Respondent-Management forwarded the pay bills of the Petitioner to Respondent No.3.

Respondent No.3 refused to accept the same and has not released the salary of the Petitioner who is otherwise entitled to.

4. Once the order of termination was set aside to which Respondent No.3 was a party, and the Petitioner was directed to be reinstated, the consequential benefits pursuant to the order of reinstatement were binding on Respondent Nos.3 and 4. It is not the case of Respondent Nos.3 and 4 that in the meanwhile they have released the salary for another teacher. If that was the case, the stand of the Respondents could be considered. Considering that, we issue the following directions :

-(i) Respondent Nos.1 and 2-Management is directed to forward to Respondent No.3 within a period of three weeks from today, the pay bills of the Petitioner.

-(ii) Respondent No.3 on receiving the pay bills, will clear the same within a period of four weeks thereafter and release the salary of the Petitioner who is otherwise entitled to.

5. Rule is accordingly made absolute. No order as to costs.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)